

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-3, 5-19, and 22-30 are presently pending. Claims 1, 2, 5-11, 13, 14, 16-18, 22-24, 26, and 27 are amended herein. Claims 4, 20, and 21 are canceled herein. New claims 28-30 are added herein.

Statement of Substance of Interview

[0003] The Examiner graciously spoke with me—the undersigned representative for the Applicant—on October 16 and 21, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0004] During the interviews, we discussed our respective understanding of the basis for the new rejections issued by the Board of Patent Appeals and Interferences and how to overcome the rejections. Without conceding the propriety of the rejections and in the interest of expediting prosecution, the Examiner and I discussed several possible amendments.

[0005] I understood the Examiner to agree that the proposed amendments would place the claims in condition for allowance.

[0006] Applicant herein amends the claims in the manner discussed during the interviews. Accordingly, Applicant submits that the pending claims are allowable for at least the reasons discussed during the interviews.

Formal Request for an Interview

[0007] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Allowable Subject Matter

[0009] Applicant would like to thank the Examiner for recognizing that no rejections were directed to claims 8, 9, 16, and 23. Amendments of these claims purely highlight features of these claims as suggested by the Examiner. Therefore, Applicant respectfully submits that these claims remain allowable.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 2, 5-11, 13, 14, 16-18, 22-24, 26, and 27 herein. Applicant amends claims to highlight claimed features merely to expedite issuance. Such amendments should not be construed as further limiting the claimed invention in response to any cited references.

[0011] Independent claims 1, 10, and 17 are amended to include subject matter recognized as allowable in claims 8, 16, and 23. The remaining claim amendments are fully supported by application as originally filed and therefore do not introduce new matter.

[0012] Furthermore, Applicant adds new claims 28-30 herein. These new claims are fully supported by application as originally filed and therefore do not constitute new matter. New claims 28-30 are allowable over the cited references at least because they depend from allowable independent claims.

Substantive Matters

Claim Rejections under § 112 1ST ¶

[0013] Claims 1-7, 10-15, 17-22 and 24-27 are rejected under 35 U.S.C. § 112, 1st ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 101

[0014] Claims 17-19, 21 and 22 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Conclusion

[0015] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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